

10-R-0067

(Do Not Write Above This Line)

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF ALL CLAIMS AGAINST THE  
CITY OF ATLANTA IN THE CASE OF LUCY  
STEPHENS, ROBERT BAKER AND JOAN  
BAKER V. CITY OF ATLANTA, GEORGIA, CIVIL  
ACTION FILE NO. 2008-CV-156177, FULTON  
SUPERIOR COURT, IN THE TOTAL AMOUNT  
OF \$190,000.00; AUTHORIZING SAID  
PAYMENT TO BE PAID FROM FUND 5051  
(WATER & SEWER) CENTER NUMBER 170201  
(DEPARTMENTAL), 5750002 (ACCOUNT) AND  
4310000 (FUNCTIONAL ACTIVITY)  
AUTHORIZING THE CHIEF FINANCIAL  
OFFICER TO DISTRIBUTE THE SETTLEMENT  
AMOUNT; AND FOR OTHER PURPOSES AS  
APPROVED BY

APPROVED BY:

JAN 19 2010

JERRY L. DELOACH  
Deputy City Attorney

COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

PSLA Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent

☐ V Vote

☒ R/C Vote

CERTIFIED

JAN 19 2010

RECEIVED  
JAN 19 2010  
JERRY L. DELOACH  
Deputy City Attorney

MAYOR'S ACTION

*[Signature]*



A RESOLUTION

10-R-\_\_\_\_\_

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF LUCY STEPHENS, ROBERT BAKER AND JOAN BAKER V. CITY OF ATLANTA, GEORGIA, CIVIL ACTION FILE NO. 2008-CV-156177, FULTON SUPERIOR COURT, IN THE TOTAL AMOUNT OF \$190,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL) 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

**WHEREAS**, Plaintiffs Lucy Stephens, Robert Baker and Joan Baker filed a lawsuit, *Lucy Stephens, Robert Baker and Joan Baker vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate sanitary sewer systems; and

**WHEREAS**, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's sanitary sewer systems, their properties sustained damage resulting from a sanitary sewer backup; and

**WHEREAS**, the City Attorney has done extensive review of the facts and the law and has determined that the City of Atlanta's potential financial exposure in defending Plaintiffs' claims is in excess of the settlement amount; and

**WHEREAS**, Plaintiff *Lucy Stephens* has agreed to accept \$97,000.00 in full settlement of her claims against the City of Atlanta including interest and attorney's fees;

**WHEREAS**, Plaintiffs *Robert Baker and Joan Baker* have agreed to accept \$93,000.00 in full settlement of their claims against the City of Atlanta including interest and attorney's fees;

**WHEREAS**, the City Attorney considers it to be in the best interest of the City to pay the Plaintiffs, *Lucy Stephens and Robert Baker & Joan Baker*, collectively, the amount of \$190,000.00 to settle all claims against the City of Atlanta.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** hereby resolves as follows:

**SECTION 1** The City Attorney is hereby authorized to settle and execute all documents in the case of *Lucy Stephens, Robert Baker and Joan Baker vs. City of Atlanta*, Fulton Superior Court, Civil Action File No. 2008-CV-156177, in the collective amount of One Hundred Ninety Thousand Dollars (\$190,000.00).

**SECTION 2** The Chief Financial Officer is authorized to pay the amount of Ninety-Seven Thousand Dollars (\$97,000.00) to Lucy Stephens. Said payment is to be charged, paid and issued from Fund 5051 (Water & Sewer Fund) Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity) and made payable to *Martin & Jones, as attorneys for Lucy Stephens*, 3353 Peachtree Road, Suite 510, Atlanta, Georgia 30326. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.

**SECTION 3** The Chief Financial Officer is authorized to pay the amount of Ninety-Three Thousand Dollars (\$93,000.00) to Robert Baker and Joan Baker. Said payment is to be charged, paid and issued from Fund 5051 (Water & Sewer Fund) Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity) and made payable to *Martin & Jones, as attorneys for Robert Baker and Joan Baker*, 3353 Peachtree Road, Suite 510, Atlanta, Georgia 30326. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.

A true copy,

  
Deputy Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed

JAN 19, 2010  
JAN 27, 2010

RCS# 17  
1/19/10  
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I